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OFFICE OF PETITIONS

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In re Patent No. 7,478,460	:	DECISION ON RESPONSE
Gallant et al.	:	TO DECISION ON REQUEST
Issue Date: 01/20/2009	:	FOR RECONSIDERATION OF
Application No. 10/785133	:	PATENT TERM ADJUSTMENT
Filed: 02/24/2004	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
05918-0324001 / VGCP- No. 7020	:	CERTIFICATE OF CORRECTION

This is a decision on the renewed petition filed on August 25, 2009, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred twenty-four (524) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by five hundred twenty-four (524) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on February 25, 2007 and ends on April 7, 2008, the day before the RCE was filed, and is 136 (not 137) days. See, 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 522, not 524 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred twenty-two (522)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,478,460 B2

DATED : January 20, 2009

INVENTOR(S) : Gallant et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 366 days.

Delete the phrase "by 366 days" and insert – by 522 days--